assistance is going to be set up and after that if we find that more gas is available and the best use of that is for power, we would have no hesitation in thinking of setting up a power plant.

MR. CHAIRMAN: We will now move from gas to solids. Next question please.

Unintended Profit on Doxycycline and Gentamycin

202. SHRI MAHENDRA MOHAN MISHRA.

SHRI NAND KISHORE BHATT:†

Will the Minister of INDUSTRY be pleased to refer to the answer to Unstarred Question 2865 given in the Rajya Sabha on 16th December, 1985 and state:

(a) the names of each of the formulators against whom the amount has been worked out after completing the process of scrutinizing the invoices in regard to the unintended profit made on account of Doxycycline and Gentamycin;

(b) what is the normal procedure adopted by Government in working out the unintended profits and how much time it takes to arrive at the final amount;

(c) the number of cases since 1980 in which the amount has been finally worked out and the claim notices sent alongwith the name of the drug company and the date of issuance of final claim notice; and

(d) whether any amount has been deposited so far, if so, what are the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS (SHRI R. K. JAICHANDRA SINGH) : (a) to (d) A Statement is laid on the Table of the Rajya Sabha.

†The question was actually asked on the floor of the House by Shri Nand Kishore Bhatt.

Statement

(a) and (c) After due scrutiny, the excess amout showing the difference between the price of Gentamycin Sulphate allowed in the formulatioins and the actual procurement price was determind and communicated only in one case namely M/s. Fulford India Ltd. on 1st February, 1985.

(b) Determination of the excess amount would require scrutiny of the accounts, particularly the purchase invoices, adjudication of counter claims and reasonable opportunity being afforded to the manufacturers.

(d) No, Sir.

SHRI NAND KISHORE BHATT: Mr. Chairman, Sir, the drugs price control order, 1979, came into force on 31-3-1979. Under one of the provisions of the price control order, in case the manufacturer of a formulation utilised a bulk drug and the price of the bulk drug is...

MR. CHAIRMAN: I am going to suggest hereafter that no written questions can be put. No, no. what is it, you are going on reading something.

SHRI NAND KISHORE BHATT: Mr. Chairman, Sir, from the statement that the hon. Minister has laid on the Table, out of nine companies only in respect of one company, *i.e.* M/s. Fulford India Ltd. the Government has been able to serve them a notice and this company owes the Government 194.52 lakhs of rupees. This is only about one company. There are so many companies which are importing this drug and selling it at higher prices and the benefit should go to the common man. Sir, I would like to know from the hon. Minister as to why a procedure was not laid to recover Government money because when we want money we must further plug the loopholes. There is a huge amount involved and the drug should be available to the common man. How do we justify this position?

SHRI R. K. JAICHANDRA SINGH: This question has been answered on the floor of both Houses of Parliament on a

number of occasions. There has been a viewpoint that the Ministry has failed in recovering the unintended profits in matters of formulations from a number of companies. We have stated that there are a number of reasons for this, the major reason being the span of the present price control being unrealistic; it covers about 4000 formulations and about 20,000 formulation packs. The industry comes up with a number of representations saying that there should be some set-offs and that the unintended benefit in respect of some formulations which the Government claims, is unwarranted. As far as the matter under reference by the hon. Member is concerned, that is, Fulford India Limited, the reference is in case of Gentamycin and we have quantified in respect of four companies; Fulford India, Nicholas Laboratories, and two others; I can give the names but I think the hon. Member would know these names. In respect of Fulford India, an amount of Rs. 194 lakhs has been quantified; notices have been issued to them and as soon as notices were issued to them, they went to the High Court and the matter is still in the High Court; stay order has been granted.

SHRI NAND KISHORE BHATT: The essential commodities price control order makes it completely incumbent that nobody can go in appeal, because the Government is vested with all powers. How is it in this case they could go in for appeal.

SHRI R. K. JAICHANDRA SINGH: I think the question has to be answered by the High Court.

DR. JOSEPH LEON D'SOUZA: DPC Order 1979 is the subordinate legislation of the Essential Commodities Act and a distinct provision has been catered for the recovery of such illegal benefits. I would like to know from the hon. Minister whether:

(a) there exists any well laid-down procedure for the recovery of such illegal benefits;

(b) Is it a fact that there exists lacuna in the operative part of the procedure for recovering this?

(c) What efforts have been made to remove this lacuna and expedite cases lingering on in courts? and

(d) A special department of the Development Commissioner was approved of by the Union Cabinet to deal with these matters. Why was the Cabinet decision not implemented uptill now?

SHRI R. K. JAICHANDRA SINGH: I share the view of the hon. Member that there has been some lacuna and we hope that with the announcement of the new policy which we hope to bring in during this session of Parliament, this lacuna would be taken care of by the new drug policy.

MR. CHAIRMAN: What about the Cabinet decision?

SHRI R. K. JAICHANDRA SINGH: The post of Drug Development Commissioner still exists; it has been manned by some Joint Secretary of the Ministry.

MR. CHAIRMAN: Mr. D'Souza, I will allow you to put another question.

DR. JOSEPH LEON D'SOUZA: The post of Development Commissioner is still in existence but it is looked after by the Joint Secretary. The Cabinet decision was for a person from outside, that a department will be opened and there will be a Development Commissioner and the whole paraphernalia headed by the Development Commissioner to look after this department. Where is the Department? It is hanging in the air.

SHRI R. K. JAICHANDRA SINGH: I would need a separate notice for this question.

SHRI M. S. RAMACHANDRAN: Mr. Chairman, the answer given in the statement is very vague. It is also not relating to the question put. But in reply to the supplementaries, he has given some more details. But what I am wondering is since 1980, uptill now, they have been able to complete the process in respect of only one company. The answer given in the statement is of a general character. We know all these. My question is

whether the procedure is so cumbersome or it is due to lack of attention that they are taking years and years to send notices about claims?

SHRI R. K. JAICHANDRA SINGH: Sir, as I said, Fulford case is a test case. There are four cases. In the case of Lyka Laboratories, the unintended benefit which the Government had worked out comes to Rs. 17.47 lakhs. In the case of Messrs Fulford, as I said, the amount is Rs. 194.62 lakhs. In the case of Messrs Biochem Pharm. Industries, it is Rs. 33.88 lakhs and in the case of Nicholas Laboratories, it is Rs. 53.03 lakhs. As I said, out of these four, one has gone to the court, which has the maximum amount. We are awaiting a decision in this case. This is a test case and we are awaiting a decision in this case because the other cases fall in the same category.

Public Service Telephones

*203. SHRI RAMCHANDRA BHARADWAJ:†

SHRIMATI MAIMOONA SULTAN:

Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether it is a fact that even in metropolitan cities like Delhi, the 'Public Service Telephones' like '199', '198' and '197' often do not respond at all even in day time;

(b) if so, what are the reasons for such a state of affairs;

(c) whether these public service telephones are expected to work round the clock; and

(d) if so, what steps have been taken or are proposed to be taken to make these services dependable?

†The question was actually asked on the floor of the House by Shri Ramchandra Bharadwaj.

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI RAM NIWAS MIRDHA): (a) No, Sir.

(b) Question does not arise.

(c) Yes, Sir.

(d) To improve Directory Enquiry service, '197' it is proposed to computerise the same. Also daily test calls are made to '197', '198' and '199' services to ascertain the quality of service and take remedial measures against deficiencies. Provision of additional positions and junctions are planned whenever justified and feasible.

श्री रामचन्द्र भारद्वाज : मान्यवर, प्रश्न के पहले भाग का उत्तर देते हुये मंत्री जी ने कहा था कि इस प्रकार की कोई शिकायत नहीं है कि 197, 198, 199 जैसे नंबरों पर बहुधा दिन में भी जवाब नहीं आता है। उसी के "घ" में इन्होंने कहा हैं कि इसके सुधार के लिये उपाय किये जा रहे हैं। तो किस चीज का सुधार हो रहा है जब कोई शिकायत ही नहीं हैं। जब सारे टेलीफोन ठीक ही चल रहे हैं तो आखिर यह सुधार के जो स्टेप्स लिये जा रहे हैं वे किस चीज के लिये लिये जा रहे हैं। मेरा कहना यह है कि प्रश्न के पहले हिस्से का उत्तर गलत है बुनियादी तौर से, क्योंकि सुधार की आवश्यकता है इसका अर्थ है कि उसमें गड़बड़ी है इसकी चर्चा काल अटेंशन के माध्यम से और अनेक माध्यमों से होती रही हैं, पिछले दिनों औपचारिक बैठक में हुई हैं उसके बाद टेलीफोन पर स्वय मंत्री जी ने या किसी ने बताया कि 199 डायल करके देखा है और अन्य लोगों ने भी देखा हैं कि वह नही लगा। अगर उसमें गड़बड़ी है तो स्पष्टतः स्वीकार करना चाहिये कि गड़बड़ हैं और स्पष्ट बतला देना चाहिये कि उस गड़बड़ी को कब तक दूर किया जा सकता यही मैं मंत्री जी से जान सकता हूं ?

SHRI RAM NIWAS MIRDHA: Part (a) of the question is, whether these services do not respond at all even in daytime. My answer is 'No'. He did not say, "are there any complaints.' The question was